

REMARKS/ARGUMENTS

In the Office Action mailed June 29, 2005, claims 2-21 were rejected. Claims 32-39 were objected to. Claims 23-30 were allowed. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claims 2-21, 27 and 32 have been amended. No claims have been added. No claims have been cancelled. As such, claims 2-21 and 23-39 remain pending.

CLAIM REJECTIONS – 35 U.S.C. § 101

The Examiner rejected claims 2-21 under 35 U.S.C. § 101 as being unpatentable. These claims as pending, according to the Examiner, recite noting but the physical characteristics of a signal. Such claims according to the Examiner are non-statutory natural phenomena.

Initially, Applicants note that “a signal claim directed to practical application of electromagnetic energy is statutory regardless of its transitory nature.” *MPEP 2106, IV, B, 1, (c)*. Applicants have amended claims 2-21 such that it is directed to a practical application. Specifically, Applicants have claimed a carrier wave that is transmitted from an apparatus and used as a means for tracking an underground object. In other words, the carrier wave or electromagnetic energy that is claimed is assembled and used for the purpose of tracking an object that is located below ground level. Applicants respectfully submit that this amendment places that claim within the guides set forth by the examining guidelines of the US Patent Office. Applicants therefore respectfully request that the rejection to these claims be removed.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the indication of allowability of claims 23-30. Additionally, Applicants have amended the typographical error in claim 32 as noted by the Examiner. Therefore, claims 32-39 are allowable as indicated by the Examiner in the Office Action dated September 8, 2004.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the pending objections and rejections be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Docket No. 87288.1500
Serial No. 09/918,719
Customer No. 30734

Patent

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87288.1500.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'DPC', with a long horizontal line extending to the left.

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